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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER	
			FEATHERSTONE, MARK D	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/779,450

**Applicant(s)**

TECOT ET AL.

**Examiner**

MARK D. FEATHERSTONE

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 05/06/2008, 04/07/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Amendment**

An amendment was filed 4/28/2008, with a supplemental amendment filed on 6/03/2008, and an additional supplemental amendment filed on 6/03/2008.

Claims 1-4, 7, 9, 27, and 30-33 have been amended. Claims 1-33 are pending.

### **Response to Arguments**

Applicant's arguments with respect to claim 1-33 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim interpretation:*

Claims 1, 25, 27, and 33 recite the language "at least one of", followed by a list of options. For purposes of examination, this language is interpreted as the system merely being capable of performing the list of options, however, the applicant does not positively require the existence of all options.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-6, 10-11, 14-19, and 21-33 are rejected under 35 U.S.C. 102(a) as being anticipated by Novak et al, US PG Pub # 20030126599.

With regard to claim 1, Novak discloses:

A method for presenting information via a network of interconnected communicatively coupled physically distinct processing mechanisms (Figure 4 shows two physically distinct devices (401 and 402) that are communicatively coupled via a network (101) described in [0036]), comprising:

adding a mark, that is associated with the information, at a source location processing mechanism by activating a marking mechanism (Figure 4, item 402 and [0074]; Novak describes creating a mark corresponding to a point of interest at the editing device (source); [0075]; Novak describes that the editing device contains on-screen controls to designate points of interest) and

presenting the information at a destination location processing mechanism based on the mark added at the source location processing mechanism ([0088-0089]; Novak describes the playback device (Figure 4, item 404) receiving a copy of the media program and playing back the program based on the received bookmarks from the editing device),

wherein at least one of said adding the mark and said presenting the information involves displaying a visual indicator of the mark at a display position that is related to a time at which the mark was associated with the information (Figure 5, item 516 and [0078]; Novak describes displaying a status bar that is displayed on which the user can set a bookmark. The status bar indicates the time from the beginning of the program until where the bookmark is placed. [0089]; Novak describes that the user can invoke these bookmarks with these same controls a the playback device)

wherein the processing mechanisms in the network of interconnected communicatively coupled physically distinct processing mechanisms are capable to facilitate:

presenting the information based on the mark added at the source location processing mechanism ([0088-0089]; Novak describes the playback device (Figure 4, item 404) receiving a copy of the media program and playing back the program based on the received bookmarks from the editing device);  
adding one or more additional marks to the information (Figure 5, item 518, Novak illustrates several bookmarks for the program);  
presenting the information based on the one or more additional marks ([0089]; Novak describes presenting the information based on the bookmarks added at the editing device. Novak describes skipping to the previous and next bookmark, indicating a plural amount);  
adding one or more additional marks to other information and presenting the other information based on the one or more additional marks ([0073]; Novak discloses that the information can include any type of media program such as a movie, television show, concert, or the like)

With regard to claim 2, Novak discloses:

The method according to claim 1, wherein the source location processing mechanism is the same as the destination location processing mechanism (Figure 5, item 516 and [0074]; Novak describes the user creating bookmarks at the editing device (source), therefore these bookmarks exist at the source

location; [0075], Novak describes that any of the controls can (such as skip forward) can be invoked at the editing device)

With regard to claim 3, Novak discloses:

The method according to claim 1, wherein the source location processing mechanism differs from the destination location processing mechanism (Figure 4; Novak clearly shows two distinct devices representing a source and destination separated by a network connection)

With regard to claim 4, Novak discloses:

The method according to claim 3, wherein the source location processing mechanism is a first processing mechanism contained in a first area in a building and the destination location processing mechanism is a second processing mechanism contained in a second area in the building (Figure 4, Novak illustrates the source and destination devices connected by a network; [0072]; Novak describes that the source can be connected to the destination via a network such as a broadband network, wireless network, or the internet; all of these networks inherently have the ability to connect two computers located within the same building)

With regard to claim 5, Novak discloses:

The method according to claim 1, wherein the information comprises a media content program ([0073]; Novak describes several types of programs, such as a television show, movie, etc; these are all types of media content programs)

With regard to claim 6, Novak discloses:

The method according to claim 5, wherein the media content program comprises a video program ([0073]; Novak describes the types of programs such as a television program or movie, which are examples of a video program)

With regard to claim 10, Novak discloses:

The method according to claim 1, wherein the visual indicator of the mark has visual display properties that convey at least one characteristic of the mark ([0083], Novak describes that different sets of bookmarks can be displayed in a different color; for example, each color represents the scene a particular actress appears in)

With regard to claim 11, Novak discloses:

The method according to claim 10, wherein the visual display properties include at least a color for presenting the visual indicator ([0083]; Novak describes that a particular color can differentiate between sets of marks)

With regard to claim 14, Novak discloses:

The method according to claim 1, wherein the displaying includes presenting a part of the information associated with the mark along with the visual indicator ([0079]; Novak discloses additional information included with the bookmarks, such as an image)

With regard to claim 15, Novak discloses:

The method according to claim 14, wherein the part is a video image taken from the information which is associated with the mark ([0079]; Novak describes that information associated with the mark may be a video. [0080]; Novak describes

this video may be a video clip that gives instructions on how to synchronize their version of the program to synchronize the bookmarks, therefore, the video is information associated with the marks)

With regard to claim 16, Novak discloses:

The method of according to claim 1, wherein the displaying involves presenting the visual indicator of the mark at a display position along a timeline, where the position conveys a juncture at which the mark occurs within the information (Figure 5 item 516 and [0077]; Novak illustrates and describes a visual indicator of a mark along a timeline)

With regard to claim 17, Novak discloses:

The method according to claim 16, wherein the displaying involves multiple visual indicators of multiple respective marks at multiple display positions along the timeline, where the multiple positions convey respective junctures at which the multiple marks occur within the information (Figure 5 item 516 and [0077]; Novak illustrates and describes multiple visual indicators of a mark along a timeline, which indicate to the user where in the timeline of the program the marks occur).

With regard to claim 18, Novak discloses:

The method according to claim 17, further including navigating among the multiple visual indicators to select any one of the visual indicators (Figure 5 and [0089]; Novak discloses navigation controls (items 512, 514) which the user invokes to navigate between bookmarks)



With regard to claim 19, Novak discloses:

The method according to claim 18, wherein the navigating involves activating a first key on a remote to move to a temporally succeeding visual indicator with respect to a currently selected visual indicator, and activating a second key on the remote control to move to a temporally prior visual indicator with respect to the currently selected visual indicator ([0089]; Novak describes that the user can skip forward or backward between bookmarks using a button on a remote control)

With regard to claim 21, Novak discloses:

The method according to claim 1, wherein the visual indicator of the mark comprises a thumbnail image corresponding to a part of the information associated with the mark, and the displaying comprises presenting the thumbnail image in positional relationship to at least one other thumbnail image associated with another mark, wherein the positional relationship is based on the respective times associated with the creation of the marks ([0078-0079]; Novak describes the method of adding a bookmark to a timeline (Figure 5, item 516). Novak additionally describes that the bookmark may contain additional information such as an image)

With regard to claim 22, Novak discloses:

The method according to claim 21, further including navigating among the thumbnail images to select any one of the thumbnail images ([0123]; Novak describes that the playback device can be configured to navigate between

bookmarks (which can be arranged by their time indices) using forward/back buttons (Fig. 5, items 512, 514); [0078], Novak describes that the bookmarks may be embodied as a frame index, and in [0079], Novak describes that the bookmarks may include an image)

With regard to claim 23, Novak discloses:

The method according to claim 1, wherein the adding involves at least one of:  
the generation of a status display, wherein the status display presents the visual indicator of the mark at a display position along a timeline, wherein the position conveys a juncture at which the mark occurs within the information (Figure 5 item 516 and [0077]; Novak illustrates and describes a visual indicator of a mark along a timeline);  
the generation of a mark panel display that contains an input selection item associated with the information mark ([0078]; Novak discloses that the marks can be embodied as a frame index); and  
the generation of a thumbnail display that presents the visual indicator as at least one thumbnail image corresponding to a part of the information associated with the mark;([ 0079], Novak discloses that this mark can include an image corresponding to the program)

With regard to claim 24, Novak discloses:

The method according to claim 1, wherein the presenting is invoked upon another activation of the marking mechanism ([0077]; Novak describes using the marking mechanism (either on-screen controls or a remote control) to mark the

program which results in a marker being displayed at a corresponding location of the onscreen status bar

With regard to claim 25, Novak discloses:

The method according to claim 1, wherein the presenting is invoked by the activation of an input selection item associated with the information containing the mark, wherein the input selection item appears in a display that corresponds to at least one of:

a mark panel display;

a thumbnail display;

a menu display;

a program guide display; and

a program-specific information display corresponding to the information (Figure 5, items 406 a-d and [0077]; Novak describes a bookmark that is displayed on a mark panel display that indicates the time in the program the bookmark exists.

Novak further discloses in [0078] that the bookmark can be embodied as a frame index, offset, chapter reference, scene reference, or other non-time positional indicator. Although Novak does not specifically mention a thumbnail display, a menu display or a program guide display, his system does have the capability to be programmed to do so).

Claim 26 is the computer readable medium with instructions to implement the steps of claim 1, and is rejected as applied.

With regard to claim 27, Novak discloses:

A method for presenting information, comprising:

Receiving instructions generated in response to the activation of a marking mechanism during the display of a first program ([0077], Novak describes the user marking a program using a marking control (Figure 5, item 520), which results in a marker being displayed at a corresponding location of the onscreen status bar);

Displaying a mark panel display in response to the instructions (Figure 5; item 516, Novak illustrates a mark panel display); and

Receiving a user's input via the mark panel display ([0077-0078]; Novak describes the user navigating to a point of interest on the mark panel display, and setting a bookmark) to perform at least one of:

Creating a new mark in the first program; and

Invoking a preexisting mark in a second program, wherein the second program differs from the first program ([0078]; Novak describes that a bookmark defining each marked point of interest is generated, implying that a plurality of marks can be added, each time a mark is added it is a "new" mark. Although Novak does not specifically mention that his system invokes a preexisting mark in a second program, his system does have the capability to be programmed to do so).

With regard to claim 28, Novak discloses:

The method according to claim 27, wherein the mark panel display includes an input selection item associated with the first program, and at least one other input item associated with the second program ([0079], Novak discloses that the

bookmark may have information associated with it such as an image (corresponding to an input selection item). As described in the claim 27 rejection, applicant does not positively require the existence of the feature of invoking a preexisting mark in a second program. Moreover, the system of Novak does have the capability to be programmed to associate an input selection item with a second program)

Claim 29 is the computer readable medium to implement the steps of claim 27, and is rejected as applied.

With regard to claim 30, Novak discloses:

A system for presenting information via a network of multiple communicatively coupled physically distinct processing mechanisms (Figure 4 shows two physically distinct devices (401 and 402) that are communicatively coupled via a network (101) described in [0036]), the system comprising:

One or more memory (Figure 3, item 306; one or more processor (Figure 3, item 312 and [0069], Novak describes that the CPU may be embodied as a microprocessor);

Logic that when executed by the one or more processor performs tasks comprising (inherently, the STB/processor of Figure 3 is executing logic):

Adding a mark that is associated with the information, at a source location processing mechanism by activating a marking mechanism (Figure 4, item 402 and [0074]; Novak describes creating a mark corresponding to a point of interest

at the editing device (source); [0075]; Novak describes that the editing device contains on-screen controls to designate points of interest)

Presenting the information at a destination location processing mechanism based on the mark added at the source location processing mechanism (Figure 4, item 404) receiving a copy of the media program and playing back the program based on the received bookmarks from the editing device)

Wherein adding the mark or presenting the information results in the display of a visual indicator of the mark at a display position that is related to a time at which the mark was associated with the information (Figure 5 item 516 and [0077];

Novak illustrates and describes a visual indicator of a mark along a timeline, the indicator shows at what point in time the mark is associated with the program)

Wherein the processing mechanisms in the network of multiple communicatively coupled physically distinct processing mechanisms are configured to present the information based on the mark added at the source location processing mechanism ([0089]; Novak describes presenting the information at a playback device(s) based on the received bookmarks from the source device)

With regard to claim 31, Novak discloses:

The system according to claim 30, wherein the source location processing mechanism is the same as the destination location processing mechanism (Figure 5, item 516 and [0074]; Novak describes the user creating bookmarks at the editing device (source), therefore these bookmarks exist at the source

location; [0075], Novak describes that any of the controls can (such as skip forward) can be invoked at the editing device)

With regard to claim 32, Novak discloses the system according to claim 30, wherein the source location processing mechanism differs from the destination location processing mechanism (mechanism (Figure 4; Novak clearly shows two distinct devices representing a source and destination separated by a network connection)

With regard to claim 33, Novak discloses:

A processing mechanism for presenting information comprising:

One or more memory (Figure 3, item 306; one or more processor (Figure 3, item 312 and [0069], Novak describes that the CPU may be embodied as a microprocessor);

Logic that when executed by the one or more processor performs tasks comprising (inherently, the STB/processor of Figure 3 is executing logic):

Receiving instructions generated in response to the activation of a marking mechanism during the display of a first program ([0077], Novak describes the user marking a program using a marking control (Figure 5, item 520), which results in a marker being displayed at a corresponding location of the onscreen status bar);

Displaying a mark panel display in response to the instructions (Figure 5; item 516, Novak illustrates a mark panel display); and

Receiving a user's input via the mark panel display ([0077-0078]; Novak describes the user navigating to a point of interest on the mark panel display, and setting a bookmark) to perform at least one of:

Creating a new mark in the first program; and

Invoking a preexisting mark in a second program, wherein the second program differs from the first program ([0078]; Novak describes that a bookmark defining each marked point of interest is generated, implying that a plurality of marks can be added, each time a mark is added it is a "new" mark. Although Novak does not specifically mention that his system invokes a preexisting mark in a second program, his system does have the capability to be programmed to do so).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak in view of Vallone, US Patent # 6642939, hereafter Vallone.

With regard to claim 7, Novak discloses the method of claim 1 in that he discloses the ability to add a mark to a program. In [0077], Novak describes adding the bookmarks using a marking control, and discusses navigating buttons



on the remote control, however does not specifically say that there a button on the remote control used to create the mark.

Vallone, in his patent does disclose a button to mark a program (Figure 15, item 1406 and column 16, lines 55-59; Vallone describes pressing the select button on the remote to create a mark).

It would have been obvious to one of ordinary skill in the art at the time of invention to add this feature to the system of Novak to use the remote to create the bookmark at the source device. The advantage of this is the well-known advantage of using a remote control to issue commands to the TV system when out of physical reach.

With regard to claim 8, Novak discloses the method according to claim 1 in that he discloses a method to mark a program. Novak fails to disclose the feature of deleting the mark by selecting the visual indicator of the mark and activating the marking mechanism again.

Vallone does disclose this feature (column 16, lines 55-59; Vallone describes pressing the same button to delete the mark as was used to create the mark after jumping to the mark to the mark (selecting the mark)).

It would have been obvious to one of ordinary skill in the art at the time of invention to add this feature to the system of Novak to delete a mark after creating it. The advantage of this would have been to remove a mark that was not intended to be produced.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novak in view of Lu et al, US Patent # 6647548, hereafter Lu.

With regard to claim 9, Novak discloses the method of claim 1 in that he teaches the ability to create a mark on an existing program, however he fails to teach the feature that another mark is invoked if it occurs soon after the first mark. Lu teaches a method of preventing a record from being captured by a "very fast channel change" (column 13, lines 1-9), which would result from the user pushing the channel change button at a fast rate.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of Lu to the system of Novak to ignore a button press by a user that is deemed to be inadvertent by the system. The advantage of doing this would have been to not create unintentional records (bookmarks) that the user does not want.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novak in view of Griecewic, US Patent # 6320591, hereafter Griecewic.

With regard to claim 12, Novak discloses the method according to claim 10 in that he discloses a visual indicator of a mark that conveys a characteristic, however he fails to specifically disclose that the display can contain a characteristic of an individual how added the mark.

Griecewic, in his patent deals with adding bookmarks to an electronic book discloses that a label may indicate the particular user of the label, and this may be indicated by a particular color (column 4, lines 3-11).

It would have been obvious to one of ordinary skill in the art at the time of invention to add this feature to the system of Novak in order to distinguish a particular user that has added the mark by designating a color that user. The advantage of this would have been that another user could easily identify the bookmark of a known person and play back that particular bookmark.

7. Claims 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak in view of Bedard, US Patent 5805235.

With regard to claim 13, Novak discloses the method according to claim 10 in that he discloses the visual display conveys at least one characteristic of the mark, however he fails to disclose that the characteristic of the mark pertains to whether the mark is currently selected or unselected.

Bedard, in her patent discusses adding bookmarks to programs, and discloses whether the mark is currently selected or unselected (Figure 4I and column 4, line 66 - column 5, line 4; Bedard illustrates and describes shadowing a currently selected icon that pertains to a bookmark; conversely, the unselected bookmarks are not shadowed)

It would have been obvious to one of ordinary skill in the art at the time of invention to add this feature to the system of Novak in order to show the user which bookmark is currently selected. The advantage would have been a more user friendly interface in which it is clear what bookmark is currently selected)

With regard to claim 20, Novak discloses the method according to claim 18 in that he discloses navigating between indicators of the bookmarks, however

he does not specifically disclose invoking a currently selected visual indicator by activating a presentation key on the remote control.

Bedard, does disclose this feature (column 5, lines 5-15; Bedard describes pushing a recall button on the remote control that invokes the display of the bookmarks, in order.

It would have been obvious to one of ordinary skill in the art at the time of invention to add this feature to the system of Novak to invoke the bookmarks with the remote control. The advantage of this would have been to use a remote device to control the TV so the user does not have to be at the location of the TV to operate it.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK D. FEATHERSTONE whose telephone number is (571)270-3750. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F US Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E-Signed

Art Unit: 2623

/Mark Featherstone/ - Assistant Examiner

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Supervisory Patent Examiner, Art Unit 2623